

U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 4th Floor
New York, New York 10007
August 15, 2008

BY HAND

Honorable Denise Cote
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1040
New York, New York 10007

MEMO ENDORSED

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/18/08

Re: Siergiejuk v. Mukasey
07 Civ. 10357 (DLC)

Dear Judge Cote:

I am writing respectfully to request a sixty-day extension, nunc pro tunc, to September 29, 2008, of the Government's time to file a motion to dismiss the complaint in the above-referenced action, and to apprise the Court of recent administrative developments that may render the matter moot.

First, I beg the Court's pardon for not having made this request before the Government's deadline to file its motion passed on July 30, 2008. Recently, United States Citizenship and Immigration Services ("CIS"), upon this Office's recommendation, determined to examine plaintiff Dariusz Siergiejuk in connection with his application to become a naturalized citizen of the United States – and thereby afford Mr. Siergiejuk the relief that he seeks in this action. To that end, the CIS requested in early July that Mr. Siergiejuk appear at its New York District offices on July 28, 2008, for his naturalization examination.

From my mid-July conversations with Mr. Siergiejuk's counsel, Parker Waggaman, Esq., I anticipated that plaintiff would, in light of the CIS's actions, sign and submit to the Court a proposed stipulation and order settling and dismissing his lawsuit before the Government's July 30, 2008 deadline. In that regard, the CIS sent counsel a proposed stipulation for his signature, by letter dated July 16, 2008. Because, however, I was out of town attending a Department of Homeland Security conference in San Francisco during the last week of July and, shortly thereafter, took a week's vacation, I did not check to ensure that the proposed stipulation had been submitted to the Court. Since my return to the Office earlier this week, I have tried to contact Mr. Waggaman, but have not

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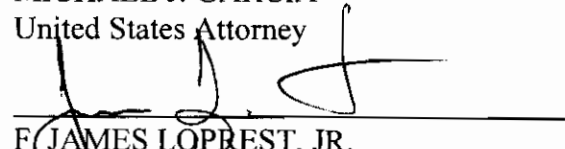
yet received a response to my telephone voicemail messages. Nonetheless, I expect that the parties will be able to resolve this matter without further judicial intervention, and that we will be submitting a proposed stipulation and order in advance of the new deadline requested.

I thank the Court for its consideration of that request, and respectfully further request that the Court direct this letter to be docketed as part of its record in this action.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


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TO: BY TELEFACSIMILE
AND FIRST CLASS MAIL

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*Government's motion is due
September 26, 2008; opposition
is due October 17; reply is
due October 24.*

*Denise Cote
August 18, 2008*